A/73/18

United Nations

Report of the Committee on the Elimination of Racial Discrimination

Ninety-third session
(31 July–25 August 2017)

Ninety-fourth session
(20 November–8 December 2017)

Ninety-fifth session
(23 April–11 May 2018)

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Seventy-third Session
Supplement No. 18

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United Nations • New York, 2018

Note

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Letter of transmittal

6 August 2018

Sir,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The report contains information on the ninety-third, ninety-fourth and ninety-fifth sessions of the Committee, held from 31 July to 25 August 2017, 20 November to 8 December 2017 and 23 April to 11 May 2018, respectively.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 179 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During its ninety-third, ninety-fourth and ninety-fifth sessions, the Committee continued to deal with a significant workload in terms of the examination of States parties' reports (see chap. III) in addition to other related activities, including an informal meeting with non-reporting States parties, which the Committee held on 24 August 2017, and a thematic discussion on the theme "Racial discrimination in today's world: racial profiling, ethnic cleansing and current global issues and challenges", which was held on 29 November 2017, during the ninety-fourth session.

The Committee examined the situations of several States parties under its early warning and urgent action procedures (see chap. II). Furthermore, the Committee examined information submitted by several States parties under its procedure for follow-up to the consideration of reports (see chap. IV). The Committee also contributed to the General Assembly plenary meeting in observance of the International Day for the Elimination of Racial Discrimination and to the debate on promoting tolerance, inclusion, unity and respect for diversity in the context of combating racial discrimination held during the thirty-seventh session of the Human Rights Council. Furthermore, during its ninety-fourth session, the Committee adopted a statement on racial discrimination and enslavement of migrants in Libya.

The Committee remains committed to a continuous process of improvement of its working methods, with the aim of maximizing its effectiveness and adopting innovative approaches to combating contemporary forms of racial discrimination. The evolving practice and interpretation of the Convention by the Committee is reflected in its general recommendations, opinions on individual communications, decisions and concluding observations.

It is clear that while progress has been made to address racial discrimination, major and multifaceted challenges remain in the struggle towards its elimination, including the inability or unwillingness to call racial discrimination by its shameful name. I have no doubt that the dedication and professionalism of the members of the Committee will ensure that the work of the Committee will continue to contribute significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(*Signed*) Nourredine **Amir**
Chair
Committee on the Elimination
of Racial Discrimination

His Excellency Mr. António Guterres
Secretary-General of the United Nations
New York

I. Organizational and related matters

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 11 May, the closing date of the ninety-fifth session of the Committee on the Elimination of Racial Discrimination, there were 179 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

2. By the closing date of the ninety-fifth session, 58 of the 179 parties to the Convention had made the declaration envisaged in article 14 (1) of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of the parties to the Convention, of the States that have made the declaration under article 14 and of the 48 States parties that have accepted the amendments to the Convention adopted at the fourteenth meeting of States parties can be found on the website of the United Nations Treaty Collection (see https://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en).

3. On 15 January 2018, the Committee addressed a letter to all States that had not yet ratified the Convention and reminded them of the importance of proceeding with ratification and adopting the legal framework necessary to prevent and combat racial discrimination in all its forms and manifestations.

B. Sessions and agendas

4. The Committee held three sessions during the period under review. The ninety-third session (2547th–2584th meetings), the ninety-fourth session (2585th–2614th meetings) and the ninety-fifth session (2615th–2644th meetings) were held at the United Nations Office at Geneva from 31 July to 25 August 2017, 20 November to 8 December 2017 and 23 April to 11 May 2018, respectively.

5. The provisional agendas of the first two sessions were adopted by the Committee without revision (see CERD/C/93/1 and CERD/C/94/1). A revision of the agenda of the ninety-fifth session (CERD/C/95/1) was announced at the opening of the session.

C. Membership

6. The list of members of the Committee during the ninety-third and ninety-fourth sessions was as follows:

Name of member	*Nationality*	*Term expires on 19 January*
Nourredine **Amir**	Algeria	2018
Alexei S. **Avtonomov**	Russian Federation	2020
Marc **Bossuyt**	Belgium	2018
José Francisco **Calí Tzay**	Guatemala	2020
Anastasia **Crickley**	Ireland	2018
Fatimata-Binta Victoire **Dah**	Burkina Faso	2020
Afiwa-Kindéna **Hohoueto**	Togo	2018
Anwar **Kemal**	Pakistan	2018
Melhem **Khalaf**	Lebanon	2018

Name of member	*Nationality*	*Term expires on 19 January*
Gun **Kut**	Turkey	2018
Yanduan **Li**	China	2020
José A. **Lindgren Alves**	Brazil	2018
Nicolás **Marugán**	Spain	2020
Gay **McDougall**	United States of America	2020
Yemhelhe Mint **Mohamed**	Mauritania	2020
Pastor Elias **Murillo Martínez**	Colombia	2020
Verene **Shepherd**	Jamaica	2020
Yeung Kam John **Yeung Sik Yuen**	Mauritius	2018

7. At the twenty-seventh meeting of States parties, held on 22 June 2017 in New York, States parties elected nine members of the Committee to replace those whose terms of office were due to expire on 19 January 2018, in accordance with article 8 (1)–(5) of the Convention. The composition of the Committee since the ninety-fifth session has been as follows:

Name of member	*Nationality*	*Term expires on 19 January*
Silvio José **Albuquerque e Silva**	Brazil	2022
Nourredine **Amir**	Algeria	2022
Alexei S. **Avtonomov**	Russian Federation	2020
Marc **Bossuyt**	Belgium	2022
José Francisco **Calí Tzay**	Guatemala	2020
Chinsung **Chung**	Republic of Korea	2022
Fatimata-Binta Victoire **Dah**	Burkina Faso	2020
Bakari Sidiki **Diaby**	Côte d'Ivoire	2022
Rita **Izsák-Ndiaye**	Hungary	2022
Keiko **Ko**	Japan	2022
Gun **Kut**	Turkey	2022
Yanduan **Li**	China	2020
Nicolás **Marugán**	Spain	2020
Gay **McDougall**	United States of America	2020
Yemhelhe Mint **Mohamed**	Mauritania	2020
Pastor Elias **Murillo Martínez**	Colombia	2020
Verene **Shepherd**	Jamaica	2020
Yeung Kam John **Yeung Sik Yuen**	Mauritius	2022

D. Officers of the Committee

8. During the ninety-third and ninety-fourth sessions, the Bureau of the Committee comprised the following Committee members, who served during the period 2016–2018:

Chair:	Anastasia Crickley
Vice-Chairs:	Nourredine Amir José Francisco Calí Tzay Melhem Khalaf
Rapporteur:	Alexei S. Avtonomov

9. On the first day of its ninety-fifth session, the Committee elected the following members to the Bureau, for the period 2018 to 2020:

Chair:	Nourredine Amir
Vice-Chairs:	Gay McDougall Yanduan Li Pastor Elias Murillo Martinez
Rapporteur:	Rita Izsák-Ndiaye

E. Cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the special procedures of the Human Rights Council and the regional human rights mechanisms

10. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO),[1] both organizations were invited to attend the sessions of the Committee. The Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund (UNICEF) were also invited to attend.

11. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations submitted to the International Labour Conference were made available to the members of the Committee on the Elimination of Racial Discrimination.

F. Other matters

12. During its ninety-third session, the Committee met with the Bureau of the Committee on the Rights of Persons with Disabilities and the Committee against Torture.

13. The United Nations High Commissioner for Human Rights addressed the Committee on 4 December 2017, during its ninety-fourth session. During the same session, meetings were held with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on minority issues and the Working Group of Experts on People of African Descent.

G. Adoption of the report

14. At its 2642nd meeting (ninety-fifth session), the Committee adopted its annual report to the General Assembly.

[1] *See Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18* (A/8718), chap. IX, sect. B.

II. Prevention of racial discrimination, including early warning and urgent action procedures

15. The Committee's work under its early warning and urgent action procedures is aimed at preventing and responding to serious violations of the International Convention on the Elimination of All Forms of Racial Discrimination. This work is based on guidelines adopted by the Committee at its seventy-first session in August 2007.[2]

16. The Committee's working group on early warning and urgent action was established at the sixty-fifth session of the Committee in August 2004. At the ninety-fifth session, Mr. Diaby replaced Ms. Mohamed as a member of the working group. The composition of the Working as of the ninety-fifth session is as follows:

Coordinator:	José Francisco Cali Tzay
Members:	Alexei S. Avtonomov Sidiki Bakari Diaby Yanduan Li Nicolás Marugán Gay McDougall

A. Decisions

17. The following decisions were adopted by the Committee at its ninety-third session (decisions 1 (93) and 2 (93)) and ninety-fifth session (decision 1 (95)):

Decision 1 (93) on the United States of America

At its 2573rd meeting, on 18 August 2017, the Committee on the Elimination of Racial Discrimination decided to adopt the text below:

"*The Committee on the Elimination of Racial Discrimination*,

Acting under its early warning and urgent action procedure,

Recalling the horrific events in Charlottesville of 11 and 12 August 2017, leading to the death of Heather Heyer, and the injuries inflicted on many other protestors, as well as the terrible beating of DeAndre Harris by white supremacists,

Alarmed by the racist demonstrations, with overtly racist slogans, chants and salutes, of individuals belonging to groups of white nationalists and neo-Nazis and the Ku Klux Klan, promoting white supremacy and inciting racial discrimination and hatred,

Disturbed by the failure at the highest political level of the United States of America to unequivocally reject and condemn the racist violent events and demonstrations led by the aforementioned groups, thereby potentially fuelling the proliferation of racist discourse and incidents throughout the State party, and deeply concerned by the example this failure could set for the rest of the world,

Noting the criminal investigation launched against, and the ongoing prosecution of, the individual implicated in the ploughing of his car into the crowd of peaceful protestors which led to the death of Ms. Heyer,

Emphasizing that there should be no place in the world for racist white supremacist ideas or any similar ideologies that reject the core human rights principles of human dignity and equality and seek to degrade the standing of individuals and groups on the grounds of race, colour, descent or national or ethnic origin, and recalling article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination,

[2] *See Official Records of the General Assembly, Sixty-second Session, Supplement No. 18* (A/62/18), annex III.

Recalling its previous concluding observations on the combined seventh to ninth periodic reports of the United States[3] and its general recommendations No. 35 (2013) on combating racist hate speech and No. 34 (2011) on racial discrimination against people of African descent,

1. *Calls upon* the United States of America to fully respect its international obligations, in particular those arising from the International Convention on the Elimination of All Forms of Racial Discrimination, to combat and eliminate all forms of racial discrimination;

2. *Calls upon* the Government of the United States, including the high-level politicians and public officials, not only to unequivocally and unconditionally reject and condemn the racist hate speech and racist crimes in Charlottesville and throughout the country, but also to actively contribute to the promotion of understanding, tolerance and diversity between ethnic groups, and acknowledge their contribution to the history and diversity of the United States;

3. *Urges* the United States to ensure that all the human rights violations that took place in Charlottesville, in particular with regard to the death of Ms. Heyer, are thoroughly investigated and that alleged perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the gravity of the crime, and to provide effective remedies to victims and their families;

4. *Recommends* that the Government of the United States identify and take concrete measures to address the root causes of the proliferation of such racist manifestations, and thoroughly investigate the phenomenon of racial discrimination targeting in particular people of African descent, ethnic or ethno-religious minorities and migrants;

5. *Recommends* that the United States ensure that the rights to freedom of expression, of association and of peaceful assembly are not exercised with the aim of destroying or denying the rights and freedoms of others, especially the right to equality and non-discrimination, and that the Government of the United States provide the guarantees necessary to ensure that such rights are not misused to promote racist hate speech and racist crimes."

Decision 2 (93) on Nigeria

At its 2584th meeting, on 25 August 2017, the Committee on the Elimination of Racial Discrimination decided to adopt the text below:

"*The Committee on the Elimination of Racial Discrimination*,

Acting under its early warning and urgent action procedures,

Highly concerned by the rise of racist hate speech and incitement to violence against the Igbo people, including through the recording and wide distribution of a song and audio message in the Hausa language that describe the Igbo people in hateful and derogatory terms,

Alarmed by the public ultimatum issued on 6 June 2017 by a number of northern youth groups, forums and coalitions calling on all Igbos in northern Nigeria to leave their homes by 1 October 2017, even though it may have been recently withdrawn,

While taking note of the information that some national and local officials have publicly condemned hate speech and incitement to hatred or violence, the Committee remains concerned at reports that other local elders and leaders have endorsed the ultimatum and expressed their support for such racist hate speech targeting and threatening the Igbo people,

[3] CERD/C/USA/CO/7-9.

Deeply worried by the information that some Igbo families have already started moving out of their villages and homes in northern Nigeria to avoid any possible harm to their personal integrity,

Aware of the tragic consequences of past conflicts among ethnic groups, including the Igbo, in the State party,

Noting that Nigeria is a Member State of the Economic Community of West African States and of the African Union and a State party to the African Charter on Human and Peoples' Rights,

Recalling the provisions enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, and the Committee's general recommendation No. 35 (2013) on combating racist hate speech,

1. *Calls upon* the State party, including high-level and local public officials and leaders, to increase its efforts in systematically rejecting and condemning any form of racist hate speech, incitement to hatred and violence, and the dissemination of ideas of ethnic superiority;

2. *Recommends* that the State party take immediate action to stop and prevent the continued circulation and dissemination of the hateful song and audio message mentioned above;

3. *Urges* the State party to exercise due diligence to halt, prevent and investigate acts of racist hate speech and incitement to hatred and violence against the Igbo people, in accordance with international human rights standards, with a view to bringing perpetrators to justice, punishing them adequately if convicted and compensating victims;

4. *Recommends* that the State party ensure the protection of all its citizens from ethnic hatred, and take effective measures to ensure that Igbo people can fully exercise their rights stipulated in the Convention, including the right to security of person and protection against violence or bodily harm, the right to freedom of movement and residence and the right to own property;

5. *Urges* all local and national authorities in Nigeria to promptly and firmly address the underlying causes of the ethnic tensions in Nigeria, with a view to avoiding repeated ethnic-based violence, and to promote intercultural dialogue between different ethnic groups based on diversity, respect and inclusiveness;

6. *Invites* the United Nations High Commissioner for Human Rights to draw the attention of the Economic Community of West African States and the African Union to the human rights situation of the Igbo people in northern Nigeria."

Decision 1 (95) on the Philippines

At its 2637th meeting, on 8 May 2018, the Committee on the Elimination of Racial Discrimination decided to adopt the text below:

"*The Committee on the Elimination of Racial Discrimination,*

Acting under its early warning and urgent action procedures,

Highly concerned by the court petition of February 2018 filed by the Philippines State Prosecutor seeking to declare the Communist Party of the Philippines and the New People's Army as terrorist organizations, which includes a list of more than 600 individuals alleged to be affiliated with those organizations, many of whom are indigenous leaders and defenders, along with other human rights defenders,

Particularly alarmed by the inclusion of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, a former member of the United Nations Permanent Forum on Indigenous Issues, Joan Carling, and a former member of the Expert Mechanism on the Rights of Indigenous Peoples, José Molintas, in the aforementioned list, along with indigenous leaders and human rights defenders engaged in the fight against racial discrimination in the Philippines,

Concerned by the arbitrary manner in which the list was put together and its reported lack of legal basis,

Deeply concerned by claims that the list is aimed at intimidating people struggling for their rights and indigenous peoples defending their lands, and is part of a wider campaign by the State party to narrow the democratic space and to target various groups of persons, including indigenous peoples, human rights defenders, and persons expressing dissenting opinions,

Alarmed by allegations that over 60 human rights defenders were killed in 2017, many of whom were engaged in the fight against racial discrimination and in monitoring the situation of indigenous peoples, and at the low level of investigation, prosecution and conviction in such cases,

Highly concerned by the offensive statements expressed by senior political officials against United Nations human rights mandate holders and human rights defenders working on the elimination of racial discrimination,

Recalling the provisions enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, which the Philippines has ratified, in particular article 5 of the Convention, and the Committee's general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 23 (1997) on the rights of indigenous peoples, which safeguard the effective participation of indigenous peoples,

Noting that the Philippines is a Member State of the Association of Southeast Asian Nations,

1. *Urges* the State party to remove from the petition list indigenous leaders and defenders as well as human rights defenders, including incumbent and former United Nations mandate holders;

2. *Recommends* that the State party adopt effective measures to prevent acts of violence against indigenous peoples, defenders of the rights of indigenous peoples and other human rights defenders, and promptly conduct thorough investigations into all such cases with a view to bringing perpetrators to justice, adequately punishing them if they are convicted, and compensating victims;

3. *Urges* the State party to take targeted measures aimed at fostering a safe and favourable environment for the work carried out by indigenous peoples and by organizations and human rights defenders working on the rights of indigenous peoples;

4. *Calls upon* the State party to reject and condemn any form of hate speech and incitement to hatred and violence made by high-level and local public officials aimed at delegitimizing the work carried out by indigenous peoples and human rights defenders and thereby putting their safety at risk;

5. *Recommends* that the State party take effective measures to ensure that indigenous peoples and defenders of the rights of indigenous peoples can fully exercise the rights stipulated in the Convention, including the right to security of person and protection against violence or bodily harm, the right to freedom of movement and residence and the right to freedom of opinion and expression;

6. *Requests* that the State party provide information on the above-mentioned concerns and the measures taken to redress them, by no later than 16 July 2018;

7. *Invites* the United Nations High Commissioner for Human Rights to draw the attention of the Association of Southeast Asian Nations to the dire human rights situation of indigenous peoples and defenders of the rights of indigenous peoples in the Philippines;

8. *Calls on* the President of the Human Rights Council to use all possible means deemed appropriate to address and follow up on the aforementioned situation."

B. Statements

18. The following statements were adopted by the Committee at its ninety-fourth and ninety fifth sessions, respectively:

Statement on racial discrimination and enslavement of migrants in Libya

At its 2612nd meeting on 7 December 2017, during its ninety-fourth session, the Committee on the Elimination of Racial Discrimination decided to adopt the statement below:

"*The Committee on the Elimination of Racial Discrimination*,

Acting under its early warning and urgent action procedures,

Alarmed that so many years after the slave trade was declared illegal, black men from sub-Saharan countries are being sold in slave markets in Libya, and aware that these persons are subject to anti-black racial discrimination,

Alarmed by reports that notably black women from sub-Saharan countries, among other migrants and asylum seekers, are being subjected to torture and the worst forms of sexual violence,

Concerned by the information received that thousands of migrants and asylum seekers are facing serious human rights violations, including kidnapping, torture, sexual violence, arbitrary detention and inhumane conditions of detention, and that most such practices have not been recorded, investigated or punished,

Taking into account that the Central Mediterranean route has become the most dangerous itinerary for migrants and asylum seekers trying to reach Europe,

Welcoming the positive efforts of the European Union and of the African Union,

Aware that the present situation benefits smugglers and traffickers of humans, and concerned that certain efforts of the European Union and of some of its Member States to "combat illegal migration" may have the effect of worsening the situation,

Acknowledging that the responsibility for the situation of migrants rests with the international community as a whole, requiring cooperation among the countries of origin, transit or destination:

1. *Urges* Libya:

(a) To take immediate stringent measures against smugglers, traffickers and slavers and to end the sale of humans into slavery and forced labour;

(b) To take targeted measures to end anti-black racial discrimination against sub-Saharan migrants and asylum seekers, including the torture and sexual abuse of black women;

(c) To effectively investigate human rights violations taking place at land and sea borders as well as in detention, with a view to bringing alleged perpetrators to justice, punishing them with sanctions commensurate with the gravity of the crime if they are convicted and providing victims with full reparation;

(d) To decriminalize irregular migration and adopt an asylum law in accordance with international standards;

(e) To refrain from automatically detaining migrants and asylum seekers, use detention as a last resort, establish safe alternatives to detention and ensure that all places of detention meet international standards and that detention is never used for migrant children;

(f) To ensure that all persons in need of international protection have access to individualized procedures to determine their legal status, and fully protect migrants and asylum seekers from refoulement;

(g) To submit without further delay its overdue report to the Committee on the Elimination of Racial Discrimination.

2. *Calls upon* the international community, including the African Union, and in particular the European Union and its Member States, in accordance with their international obligations and capacities:

(a) To ensure that the protection of the human rights of migrants and asylum seekers is guaranteed in any agreement concluded to address migration, including development cooperation agreements;

(b) To increase efforts towards implementing long-term solutions, including by increasing opportunities for accessible, regular and safe migration channels;

(c) To step up search and rescue at sea, and ensure that migrants and asylum seekers are taken to places of safety and are protected against refoulement;

(d) To develop human rights-based frameworks for overall migration and border management, taking into account the rights and needs of migrants and asylum seekers;

(e) To step up action to effectively address the root causes of migration, including poverty, corruption, armed conflicts, climate change, persecution of minorities and other human rights violations.

3. *Calls on* all States to fully engage in the Global Compact for Safe, Orderly and Regular Migration, in line with the commitments undertaken in the New York Declaration for Refugees and Migrants;

4. *Calls on* the Secretary-General to request the Security Council to establish a commission of inquiry to investigate all human rights violations against migrants and asylum seekers taking place in Libya, including crimes against humanity."

Statement on Israel

At its 2637th meeting on 8 May 2018, during its ninety-fifth session, the Committee on the Elimination of Racial Discrimination decided to adopt the statement below:

"*The Committee on the Elimination of Racial Discrimination*,

Acting under its early warning and urgent action procedures,

Alarmed by the disproportionate use of force displayed by the Israeli security forces against Palestinian demonstrators who have been taking part, since 30 March 2018, in the "Great March of Return" in Gaza, which has resulted in the deaths of at least 40 people, among them five children, and in thousands of persons being injured,

Gravely concerned that many of the persons who died or were injured were reportedly posing no imminent threat at the time they were shot,

Alarmed by the many reports according to which Israeli authorities have denied and continue to deny to injured Palestinians access to urgent medical treatment,

Highly concerned that these incidents are taking place in a context marked by the 50-year occupation of the Palestinian territory, the blockade imposed since 2007 on the Gaza Strip and a rise in racist hate speech and incitement to racist violence against Palestinians by Israeli government officials and members of the Israeli security forces,

Deeply worried about persisting discriminatory practices against Palestinians by Israel, as well as the absence of adequate accountability mechanisms that would permit Palestinians to seek justice for the human rights violations to which they are subjected and the failure to hold members of the Israeli security forces accountable,

Concerned that, while the State party publicly announced the conduct of an investigation into these events, an independent and impartial investigation has not yet taken place,

Recalling the provisions enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, to which Israel has been a party since

1979, in particular the obligations contained in articles 2 (1), 4 and 5 (b) and (d), as well as the concluding observations on the fourteenth to sixteenth periodic reports of Israel issued by the Committee in 2012,[4] especially paragraphs 10, 23, 24 and 26,

Urges the State party:

(a) To put an immediate end to the disproportionate use of force against Palestinian demonstrators in the Gaza Strip, refrain from any act that could lead to further casualties, and ensure prompt and unimpeded access by injured Palestinians to medical treatment;

(b) To initiate an impartial and independent investigation into the use of force against Palestinian demonstrators in compliance with international standards and hold those responsible accountable;

(c) To ensure that all Palestinians under its effective control enjoy full rights under the Convention without discrimination, especially the right to life and security of person, to freedom of opinion and expression, and to medical care;

(d) To take all the measures necessary to fully implement the recommendations made by the Committee in 2012, in particular:

(i) To fully respect the norms of humanitarian law in the Occupied Palestinian Territory and to lift the blockade of the Gaza Strip;

(ii) To counter the tide of racism and xenophobia in public discourse, in particular by strongly condemning all racist and xenophobic statements by public officials and political and religious leaders, and by implementing appropriate measures to combat the proliferation of racist acts and manifestations of racist hate speech that particularly target Palestinians in the territories under the State party's effective control."

C. Consideration of situations under the early warning and urgent action procedures

19. During the reporting period, the Committee considered several situations under its early warning and urgent action procedures, as described below.

20. On 11 May 2018, the Committee sent a letter to the Government of Chile concerning the situation of Mapuche indigenous peoples affected by real estate and tourism projects in the Chankafiel wetlands, which were reported to be harmful to their economic, environmental, social and cultural resources. The Committee requested information on any prior consultation carried out with the Mapuche indigenous peoples and relevant measures that had been adopted to ensure that real estate, tourism and other projects complied with international standards and the requirements established in the environmental legislation in force, including the right to prior, free and informed consent of indigenous peoples and studies of socioenvironmental impact.

21. On 17 May 2018, the Committee sent a letter to the Government of Guyana concerning the villages of Tassarene and Kangaruma, which have unsuccessfully attempted to verify the status of their titles and to obtain legal title documents in accordance with the Amerindian Act 2006. The Committee also referred to the situation of the Wapichan people and the new concessions that had been made available on Marudi Mountain without steps having been taken to consult and seek the consent of the Wapichan people. The Committee requested the State party to provide information on, among other things, steps taken to refrain from approving projects and granting mining concessions that affected the lands, territories or resources of indigenous peoples without seeking their free, prior and informed consent.

[4] CERD/C/ISR/CO/14-16.

22. The Committee thanked the Government of Indonesia for its reply, received on 3 August 2017, to the Committee's previous letter, dated 13 December 2016, and recommended it to submit its combined fourth to sixth periodic reports without further delay.

23. On 4 May 2018, during its ninety-fifth session, members of the Committee's working group on early warning and urgent action met with the Permanent Mission of India to discuss the letters that the Committee had sent to India under the early warning and urgent action procedures.

III. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

24. At its ninety-third session, the Committee adopted concluding observations on eight States parties: Canada (CERD/C/CAN/CO/21-23), Djibouti (CERD/C/DJI/CO/1-2), Ecuador (CERD/C/ECU/CO/23-24), Kuwait (CERD/C/KWT/CO/21-24), New Zealand (CERD/C/NZL/CO/21-22), the Russian Federation (CERD/C/RUS/CO/23-24), Tajikistan (CERD/C/TJK/CO/9-11) and the United Arab Emirates (CERD/C/ARE/CO/18-21).

25. At its ninety-fourth session, the Committee adopted concluding observations on six States parties: Algeria (CERD/C/DZA/CO/20-21), Australia (CERD/C/AUS/CO/18-20), Belarus (CERD/C/BLR/CO/20-23), Jordan (CERD/C/JOR/CO/18-20), Serbia (CERD/C/SRB/CO/2-5) and Slovakia (CERD/C/SVK/CO/11-12).

26. At its ninety-fifth session, the Committee adopted concluding observations on six States parties: Kyrgyzstan (CERD/C/KGZ/CO/8-10) Mauritania (CERD/C/MRT/CO/8-14), Nepal (CERD/C/NPL/CO/17-23), Peru (CERD/C/PER/CO/22-23), Saudi Arabia (CERD/C/SAU/CO/4-9) and Sweden (CERD/C/SWE/CO/22-23).

27. The country rapporteurs were as follows:

Algeria	Mr. Khalaf
Australia	Ms. Shepherd
Belarus	Ms. Li Yanduan
Canada	Mr. Marugán
Djibouti	Ms. Dah
Ecuador	Mr. Murillo Martínez
Jordan	Mr. Avtonomov
Kuwait	Mr. Khalaf
Kyrgyzstan	Ms. McDougall
Mauritania	Mr. Bossuyt
Nepal	Mr. Cali Tzay
New Zealand	Ms. McDougall
Peru	Mr. Murillo Martínez
Russian Federation	Mr. Bossuyt
Saudi Arabia	Ms. Dah
Serbia	Mr. Yeung Sik Yuen
Slovakia	Mr. Cali Tzay
Sweden	Mr. Kut
Tajikistan	Mr. Yeung Sik Yuen
United Arab Emirates	Mr. Kemal

28. The concluding observations adopted by the Committee at those sessions are available from the OHCHR website (www.ohchr.org) and the Official Documents System of the United Nations (http://documents.un.org) under the symbols indicated above.

IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention

29. During the period under review, Mr. Kut served as coordinator for follow-up to the consideration of reports submitted by States parties.

30. Terms of reference for the work of the coordinator on follow-up[5] and guidelines on follow-up[6] to be sent to each State party together with the concluding observations of the Committee were adopted by the Committee at its sixty-sixth and sixty-eighth sessions, respectively.

31. At the 2584th meeting (ninety-third session), the 2607th meeting (ninety-fourth session) and the 2636th meeting (ninety-fifth session), Mr. Kut presented a report to the Committee on his activities as coordinator.

32. At its ninety-third, ninety-fourth and ninety-fifth sessions, the Committee considered the follow-up reports of Argentina (CERD/C/ARG/CO/21-23/Add.1), Azerbaijan (CERD/C/AZE/CO/7-9/Add.1), Czechia (CERD/C/CZE/CO/10-11/Add.1), Georgia (CERD/C/GEO/CO/6-8/Add.1), Greece (CERD/C/GRC/CO/20-22/Add.1), Italy (CERD/C/ITA/CO/19-20/Add.1), Oman (CERD/C/OMN/CO/2-5/Add.1), Portugal (CERD/C/PRT/CO/15-17/Add.1), South Africa (CERD/C/ZAF/CO/4-8/Add.1), Spain (CERD/C/ESP/CO/21-23/Add.1), Turkmenistan (CERD/C/TKM/CO/8-11/Add.1), Ukraine (CERD/C/UKR/CO/22-23/Add.1) and the United Kingdom of Great Britain and Northern Ireland (CERD/C/GBR/CO/21-23/Add.1). It continued the constructive dialogue with those States parties by transmitting comments and requesting further information.

[5] For the terms of reference, see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[6] For the text of the guidelines, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

V. Consideration of communications received under article 11 of the Convention

33. During its ninety-fifth session, the Committee had an initial discussion on three inter-State communications — the first ever submitted under article 11 of the Convention: one from Qatar against Saudi Arabia, received on 8 March 2018; one from Qatar against the United Arab Emirates, also received on 8 March 2018; and one from the State of Palestine against Israel, received on 23 April 2018.

34. In accordance with article 11 of the Convention and rule 69 of the Committee's rules of procedure, the Committee decided to request the Secretary-General to transmit these communications to the three State parties concerned and to request them, as stipulated in the Convention, to submit to the Committee, within three months, written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

VI. Reprisals

35. During its ninety-fifth session, the Committee received allegations of reprisals from human rights defenders who had participated, in August 2017, in the Committee's review of the twenty-third and twenty-fourth periodic reports submitted by the Russian Federation (CERD/C/RUS/23-24). The Committee's focal point on reprisals, Mr. Calí Tzay, together with the Chair of the Committee, sent a letter to the State party seeking information on the allegations.

VII. States parties the reports of which are seriously overdue

A. Reports overdue by at least 10 years

36. The following States parties are at least 10 years late in the submission of their reports:

Sierra Leone	Fourth periodic report overdue since 1976
Liberia	Initial report overdue since 1977
Gambia	Second report overdue since 1982
Somalia	Fifth periodic report overdue since 1984
Papua New Guinea	Second periodic report overdue since 1985
Solomon Islands	Second periodic report overdue since 1985
Central African Republic	Eighth periodic report overdue since 1986
Afghanistan	Second periodic report overdue since 1986
Seychelles	Sixth periodic report overdue since 1989
Saint Lucia	Initial report overdue since 1991
Malawi	Initial report overdue since 1997
Burundi	Eleventh periodic report overdue since 1998
Eswatini	Fifteenth periodic report overdue since 1998
Gabon	Tenth periodic report overdue since 1999
Haiti	Fourteenth periodic report overdue since 2000
Guinea	Twelfth periodic report overdue since 2000
Syrian Arab Republic	Sixteenth periodic report overdue since 2000
Zimbabwe	Fifth periodic report overdue since 2000
Lesotho	Fifteenth periodic report overdue since 2000
Tonga	Fifteenth periodic report overdue since 2001
Bangladesh	Twelfth periodic report overdue since 2002
Eritrea	Initial report overdue since 2002
Belize	Initial report overdue since 2002
Benin	Initial report overdue since 2002
Equatorial Guinea	Initial report overdue since 2003
San Marino	Initial report overdue since 2003
Hungary	Eighteenth periodic report overdue since 2004
Timor-Leste	Initial report overdue since 2004
Trinidad and Tobago	Combined fifteenth and sixteenth periodic reports overdue since 2004
Comoros	Initial report overdue since 2005
Uganda	Combined eleventh to thirteenth periodic reports overdue since 2005
Mali	Combined fifteenth and sixteenth periodic reports overdue since 2005

Ghana	Combined eighteenth and nineteenth periodic reports overdue since 2006
Libya	Combined eighteenth and nineteenth periodic reports overdue since 2006
Côte d'Ivoire	Combined fifteenth to seventeenth periodic reports overdue since 2006
Bahamas	Combined fifteenth and sixteenth periodic reports overdue since 2006
Cabo Verde	Combined thirteenth and fourteenth periodic reports overdue since 2006
Saint Vincent and the Grenadines	Combined eleventh to thirteenth periodic reports overdue since 2006
Barbados	Combined seventeenth and eighteenth periodic reports overdue since 2007
Saint Kitts and Nevis	Initial report overdue since 2007
United Republic of Tanzania	Combined seventeenth and eighteenth periodic reports overdue since 2007
Bahrain	Combined eighth and ninth periodic reports overdue since 2007
Guyana	Combined fifteenth and sixteenth periodic reports overdue since 2008
Brazil	Combined eighteenth to twentieth periodic reports overdue since 2008
Madagascar	Combined nineteenth and twentieth periodic reports overdue since 2008
Nigeria	Combined nineteenth and twentieth periodic reports overdue since 2008

B. Reports overdue by at least five years

37. The following States parties are at least five years late in the submission of their reports:

Botswana	Combined seventeenth and eighteenth periodic reports overdue since 2009
Antigua and Barbuda	Combined tenth and eleventh periodic reports overdue since 2009
India	Combined twentieth and twenty-first periodic reports overdue since 2010
Indonesia	Combined fourth to sixth periodic reports overdue since 2010
Mozambique	Combined thirteenth to seventeenth periodic reports overdue since 2010
Democratic Republic the Congo	Combined sixteenth to eighteenth periodic reports overdue of since 2011
Guinea-Bissau	Initial report overdue since 2011
Croatia	Combined ninth and tenth periodic reports overdue since 2011
Nicaragua	Combined fifteenth to seventeenth periodic reports overdue since 2011

Cambodia	Combined fourteenth and fifteenth periodic reports overdue since 2012
Congo	Combined tenth and eleventh periodic reports overdue since 2012
Philippines	Combined twenty-first and twenty-second periodic reports overdue since 2012
Tunisia	Combined twentieth to twenty-second periodic reports overdue since 2012
Monaco	Combined seventh to ninth periodic reports overdue since 2012
Iceland	Combined twenty-first to twenty-third periodic reports overdue since 2013
Iran (Islamic Republic of)	Combined twentieth to twenty-second periodic reports overdue since 2013
Panama	Combined twenty-first to twenty-third periodic reports overdue since 2013

C. Action taken by the Committee to ensure submission of reports by States parties

38. Following the decision taken at its eighty-fifth session to adopt the simplified reporting procedure, the Committee sent a note verbale on 21 January 2015 to States parties whose periodic reports were overdue by more than 10 years, offering them the option to report under the new procedure. In a note verbale dated 30 June 2017, the Committee extended the simplified reporting procedure to all States whose periodic report were overdue by more than five years.

39. At its ninety-third session, on 24 August 2017, the Committee held an informal meeting with States parties with overdue initial and periodic reports and discussed with the State representatives how to best support them in this regard. Following this meeting, the Committee received the periodic report of Latvia and was informed of the decision of the Bahamas, Bahrain and Hungary to opt in to the simplified reporting procedure.

40. On 15 January 2018, the Committee sent a note verbale to 16 States that had participated in the informal meeting and reminded them of the need to proceed with the submission of their overdue reports. Since then, two reports that had been overdue for five years have been received — from Andorra and from Zambia.

41. As at 11 May 2018, of the 65 States that were offered the possibility to opt in to the simplified reporting procedure, 6 had accepted: Afghanistan, the Bahamas, Bahrain, Botswana, Hungary and Mali. Over the reporting period, the Committee sent lists of issues prior to reporting to Bahrain, the Bahamas, Botswana and Mali.

VIII. Consideration of communications under article 14 of the Convention

42. Under article 14 of the Convention, individuals or groups of individuals who claim that any of their rights under the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee for consideration. A total of 58 States parties have recognized the competence of the Committee to consider such communications; information on the declarations can be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat (https://treaties.un.org/).

43. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

44. At the time of adoption of the present report the Committee had registered, since 1984, 62 complaints concerning 15 States parties. Of those, 2 complaints were discontinued, 19 were declared inadmissible and 2 were declared admissible. The Committee adopted final decisions on the merits of 35 complaints, and declared and found violations of the Convention in 19 of them. Six complaints were pending consideration.

45. At its ninety-fourth session, the Committee considered communication No. 57/2015 (*Belemvire v. Republic of Moldova*). The communication was submitted by a national of Burkina Faso residing in the Republic of Moldova, who claimed to be a victim of a violation by the Republic of Moldova[7] of his rights under articles 5 (a) and (b), 6 and 7 of the Convention. He alleged that the authorities had violated his rights under those articles in connection with an incident that had taken place on 14 November 2013, during which he was physically assaulted and insulted with derogatory words such as "gypsy", "monkey", "indian" and "nigger". The petitioner claimed that despite his numerous requests for an investigation and punishment of the perpetrator in accordance with the racially discriminatory nature of the assault, the courts had convicted the accused only of hooliganism.

46. The Committee noted the State party's argument that the communication was inadmissible because the petitioner had not exhausted domestic remedies, as he had not filed an extraordinary appeal in accordance with article 452 of the Criminal Procedure Code. The Committee, however, after noting that the petitioner had filed an appeal to the Supreme Court of Justice, which was rejected on 22 October 2014, considered that the State party had not explained what the procedure under article 452 of the Criminal Procedure Code entailed, as it had not indicated whether such extraordinary remedy would have a reasonable prospect of providing an effective remedy in the circumstances of the case. Regarding the petitioner's allegations concerning a violation of his right to equal treatment before the tribunals, and that there existed "general impunity" in the Republic of Moldova for racially motivated attacks and a "wider pattern of discrimination", in violation of articles 5 (a) and (b) and 7 of the Convention, the Committee considered that the petitioner had failed to substantiate those claims for the purposes of admissibility, and declared that part of the communication inadmissible under article 14 (1) of the Convention. It found that the petitioner had sufficiently substantiated allegations related to a violation of his rights to an effective remedy and protection under article 6 of the Convention, and declared them admissible.

47. Regarding the merits of the communication, the Committee noted that while the authorities had investigated the incident, they had treated it as an act of hooliganism, and had not considered the defendant's discriminatory motive despite the petitioner's numerous requests to various government agencies, including courts. The Committee also noted that the State party appeared to agree in its submissions that its authorities should have

[7] The Republic of Moldova acceded to the Convention on 26 January 1993 and made the declaration under article 14 on 8 May 2013.

considered the discriminatory element. Therefore, it considered that the investigation into the crime was incomplete, without consideration of the discriminatory motive of the defendant. In addition, referring to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee indicated that the State party should have included that tangent of the crime, since any racially motivated offence undermined social cohesion and society as a whole. Furthermore, the Committee considered that the State party's refusal to investigate the racial motive had also deprived the petitioner of his right to effective protection from and remedies for the reported act of racial discrimination.

48. At its ninety-fifth session, the Committee considered communication No. 59/2016 (*Nuorgam et al. v. Finland*)[8] and declared it admissible.

[8] CERD/C/95/D/59/2016.

IX. Follow-up to individual communications

49. At its sixty-seventh session, following a discussion based on a background paper prepared by the secretariat, the Committee decided to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications from individuals or groups of individuals.[9]

50. At the same session, the Committee decided to add two paragraphs to its rules of procedure setting out details of the procedure.[10] The Rapporteur for follow-up to opinions regularly presents a report to the Committee with recommendations on further action to be taken. These recommendations, which are annexed to the Committee's annual reports to the General Assembly, reflect the cases in which the Committee found violations of the Convention or otherwise provided suggestions or recommendations (see annex).

51. The table below provides an overview of follow-up replies received from States parties. Wherever possible, it indicates whether follow-up replies are or have been considered satisfactory or unsatisfactory, or whether the dialogue between the State party and the Rapporteur for follow-up continues. In general, replies may be considered satisfactory if they reveal willingness by the State party to implement the Committee's recommendations or to offer an appropriate remedy to the complainant. Replies that do not address the Committee's recommendations or relate only to certain aspects of the recommendations are generally considered unsatisfactory.

52. At the time of adoption of the present report, the Committee had adopted final opinions on the merits with respect to 35 complaints and found violations of the Convention in 19 cases. In 10 cases, the Committee provided suggestions or recommendations although it did not establish a violation of the Convention.

[9] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), annex IV, sect. I.

[10] Ibid., annex IV, sect. II.

Follow-up information received to date for all cases of violations of the Convention in which the Committee provided suggestions or recommendations

State party and number of cases of violations	*Communication number and author*	*Follow-up response received from State party*	*Satisfactory response*	*Unsatisfactory or incomplete response*	*No follow-up response received*	*Follow-up dialogue ongoing*
Denmark (6)	10/1997, Ziad Ben Ahmed Habassi	X (A/61/18)	X			
	16/1999, Kashif Ahmad	X (A/61/18)	X			
	34/2004, Hassan Gelle	X (A/62/18)	X			
	40/2007, Murat Er	X (A/63/18)		X incomplete		
	43/2008, Saada Mohamad Adan	X (A/66/18) 6 December 2010 28 June 2011	X partly satisfactory	X partly unsatisfactory		
	46/2009, Mahali Dawas and Yousef Shava	X (A/69/18) 18 June 2012 29 August 2012 20 December 2013 19 December 2014	X partly satisfactory			X
France (1)	52/2012, Laurent Gabre Gabaroum	23 November 2016 A/72/18		X partly satisfactory		X
Germany (1)	48/2010, TBB-Turkish Union Berlin/Brandenburg	X (A/70/18) 1 July 2013 29 August 2013 17 September 2014 3 February 2015				X
Netherlands (2)	1/1984, A. Yilmaz-Dogan				X	
	4/1991, L.K.				X	
Norway (1)	30/2003, The Jewish Community of Oslo	X (A/62/18)			X	X
Republic of Korea (1)	51/2012, L.G.	9 December 2016 (A/71/18)		X partly satisfactory		X

State party and number of cases of violations	*Communication number and author*	*Follow-up response received from State party*	*Satisfactory response*	*Unsatisfactory or incomplete response*	*No follow-up response received*	*Follow-up dialogue ongoing*
Republic of Moldova (1)	57/2015, Salifou Belemvire	27 March 2018		X partly satisfactory		X
Serbia and Montenegro (1)	29/2003, Dragan Durmic	X (A/62/18)				X
Slovakia (3)	13/1998, Anna Koptova	X (A/61/18, A/62/18)				X
	31/2003, L.R. et al.	X ((A/61/18, A/62/18)				
	56/2014, V.S.	X 9 March 2016 (A/71/18)		X unsatisfactory		

X. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

53. Article 15 of the Convention empowers the Committee to consider copies of petitions, reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, as transmitted to it by the competent bodies of the United Nations, and to submit to the General Assembly its expressions of opinion and recommendations in this regard.

54. Accordingly, and at the request of the Committee, Ms. Shepherd examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 2017[11] and copies of the working papers on the 17 Territories prepared by the Secretariat for the Special Committee and the Trusteeship Council (see CERD/C/95/3) and presented her report to the Committee at its ninety-fifth session, on 11 May 2018.

55. She informed the Committee that, 57 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 17 Non-Self-Governing Territories[12] had not yet exercised their right to self-determination, including independence, and that there was little indication that any of the 17 Territories for which the Third International Decade for the Eradication of Colonialism was designed were close to achieving independence. She pointed out the good practice of visits to these territories undertaken by the United Nations and the Special Committee with the cooperation of the administering powers, but also noted the unyielding nature of those powers on the question of decolonization. Ms. Shepherd also mentioned the fact that, while quite substantial, the documents studied contained only superficial information on the socioeconomic conditions of the various ethnic groups in the specified Territories.

56. The Committee noted, as it had done in the past, that it was difficult to fulfil its functions comprehensively under article 15 of the Convention owing to the fact that the copies of the reports received pursuant to paragraph 2 (b) contained only scant information directly relating to the principles and objectives of the Convention, although the detailed working papers prepared on each country indicated that the Convention had been extended to some of the affected countries. The Committee also noted that there was significant ethnic diversity in a number of the Non-Self-Governing Territories, warranting a close watch on incidents or trends that reflected racial discrimination and violation of rights guaranteed in the Convention. One case in point is that of the 20,000 Kanak people of New Caledonia, who had complained of violations of their political rights.[13] The Committee therefore stressed that greater efforts should be made to raise awareness concerning the principles and objectives of the Convention in Non-Self-Governing Territories. The Committee also stressed the need for States parties administering Non-Self-Governing Territories to include in their periodic reports to the Committee details on the implementation of the Convention in those territories.

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[11] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23). The establishment and history of the Special Committee are covered in detail in section II of the note by the Secretary-General on the organization of work of the Special Committee (A/AC.109/2017/L.1).

[12] American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), French Polynesia, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, Saint Helena, Tokelau, Turks and Caicos Islands, United States Virgin Islands and Western Sahara (see CERD/C/95/3).

[13] See A/72/23.

XI. Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference

57. The Committee considered the question of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference at each of its sessions.

58. The Chair of the Committee, Ms. Crickley, and Ms. McDougall, Mr. Murillo Martínez and Ms. Shepherd participated in the regional meeting for Europe, Asia and North America on the International Decade for People of African Descent, held on 23 and 24 November in Geneva.

XII. Thematic discussion on racial discrimination in today's world: racial profiling, ethnic cleansing and current global issues and challenges

59. On 29 November, the Committee held a half-day discussion on the theme: "Racial discrimination in today's world: racial profiling, ethnic cleansing and current global issues and challenges", which was attended by over 170 participants. Committee member Ms. McDougall was one of the panellists. Other members actively involved in the organization were Mr. Calí Tzay, Ms. Dah, Mr. Kemal and Mr. Khalaf. The discussion provided the opportunity for panellists, Member States and participants to have an open and frank exchange on these key, current global issues, with a view to identifying solutions and best practices, centred around the Convention, to counter, among other things, the deep negative impact of racial profiling in several countries and regions, including the impact of stop and search policies and police brutality against minorities and youth. The event included an innovative interactive format via social media, using the hashtags #FightRacism and #StandUp4HumanRights, for individuals who could not attend in person. As a result of the thematic discussion, the Committee decided to discuss the possibility of developing a general recommendation on racial profiling.

Annex

Follow-up information provided in relation to cases in which the Committee adopted recommendations

1. The present annex contains a compilation of information received on follow-up to individual communications since the previous annual report,[1] as well as any decisions made by the Committee on the nature of those responses.

France

Gabre Gabaroum, opinion No. 52/2012, adopted on 10 May 2016

Issues and violations found

2. The issue was the failure to take effective measures to counter a company's practice of stigmatizing and stereotyping French nationals of African origin on the basis of their colour or their national, ethnic or racial origin. The Committee found a violation of article 2 of the Convention. It also considered that the State party had violated article 6, as the domestic courts had persisted in requiring the petitioner to prove discriminatory intent, which ran counter to the Convention's prohibition against all behaviour having a discriminatory effect and counter to the procedure for the reversal of the burden of proof provided for under national legislation (art. L-1134-1 of the Labour Code).

Remedy recommended

3. The Committee recommended that the State party take steps to ensure that the principle of reversal of the burden of proof was fully observed by: (a) enhancing the judicial procedures available to victims of racial discrimination by, inter alia, rigorously applying the principle of reversal of the burden of proof and (b) disseminating clear information about domestic remedies available to presumed victims of racial discrimination. The State party was also requested to widely disseminate the opinion of the Committee, in particular among judiciary officials.

Initial or periodic reports examined since the adoption of the opinion

4. No periodic reports of the State party have been examined by the Committee since the adoption of the opinion.

Previous follow-up information

5. The previous follow-up information was published in A/72/18.

Petitioner's additional comments

6. On 9 February and 5 March 2018, the petitioner informed the Committee that on 8 February 2018, he had requested from his former employer, Renault, full compensation based on the Committee's opinion.[2] He had requested 3.5 million euros for his financial loss and 4 million euros for the moral and material damages suffered, plus legal expenses. He had also requested to be re-appointed to a management-level position.

7. On 16 May 2018, the petitioner informed the Committee that he had sent a communication to the United Nations Educational, Scientific and Cultural Organization (UNESCO), indicating that he had decided to "take refuge" in the UNESCO premises until the full implementation by the State party of the Committee's opinion. He also informed the

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 18* (A/72/18).

[2] The author also refers to General Assembly resolution 60/147.

Committee that on 12 September 2016 and 29 January 2018, his lawyer had requested the Versailles Court of Appeal to grant him compensation in accordance with the Committee's opinion.[3] He further indicated that on 28 February 2018, his former employer had informed him of its interpretation of the opinion. He refers to the interpretation as "random", and states that implementing that interpretation would violate article 55 of the Constitution, as the interpretation gave pre-eminence to the views of the national authorities over the Committee's with the aim of depriving him of compensation, by putting the burden of such compensation on the State party and not on the company itself.[4]

Reply from the State party

8. The reply from the State party is pending.

Proposed further action or Committee's decision

9. The dialogue is ongoing.

Republic of Korea

L.G., opinion No. 51/2012, adopted on 1 May 2015

Issues and violations found

10. The issue was the failure to effectively protect the petitioner from an alleged act of racial discrimination. It found that, as a result of the implementation of a policy of mandatory testing for HIV/AIDS and illegal drugs only among foreign teachers who were native speakers of English, the petitioner's right to work was violated (art. 5 (e) (i)), depriving her of her right to effective protection from and remedies for the reported act of racial discrimination (art. 6). In addition, the State party had failed to take effective measures to review governmental policies, to amend, rescind or nullify laws or regulations that perpetuated racial discrimination and to prohibit and bring to an end, by all appropriate means, racial discrimination, in violation of article 2 (1) (c) of the Convention.

Remedy recommended

11. The Committee recommended that the State party grant the petitioner adequate compensation for the moral and material damages caused, including compensation for the wages lost during the year she had been prevented from working. It also recommended that the State party take the appropriate measures to review regulations and policies relating to the employment of foreigners and that it abolish, both in law and in practice, any piece of legislation, regulation, policy or measure that had the effect of creating or perpetuating racial discrimination. The Committee further recommended that the State party counter the stereotyping and stigmatizing of foreigners by public officials, the media and the public at large and requested the State party to widely disseminate the Committee's opinion.

Initial or periodic reports examined since the adoption of the opinion

12. No periodic reports of the State party have been examined by the Committee since the adoption of the opinion.

Previous follow-up information

13. The previous follow-up information was published in A/71/18.

Petitioner's additional comments

14. On 16 October 2017, the petitioner informed the Committee that on 8 July 2017, the Government of the Republic of Korea had announced that it had eliminated the mandatory

[3] No further information has been provided.

[4] No further information has been provided.

HIV/AIDS test requirement for foreign teachers. The petitioner applauded the decision. However, she indicated that she had not received any compensation for the moral and material damages suffered, including compensation for the wages lost during the year she had been prevented from working, as ordered by the Committee. She also informed the Committee that the National Human Rights Commission of Korea had issued an opinion supporting the implementation of the Committee's opinion, including with regard to providing her with compensation.[5]

15. The petitioner considered that the Committee's opinion had not been fully implemented, as the Republic of Korea maintained the racially discriminatory drug testing requirements for foreign teachers that were applied to her. She indicated that while mandatory drug tests were legitimate for workers in safety-sensitive positions, teaching a foreign language could not be considered as falling into that category. Therefore, such tests were discriminatory, in particular taking into account that Korean teachers were not required to undergo the tests, and there existed exemptions for ethnic-Korean non-citizen teachers.

Proposed further action or Committee's decision

16. The dialogue is ongoing.

Republic of Moldova

Belemvire, opinion No. 57/2015, adopted on 11 December 2017

Issues and violations found

17. The issue was the failure to investigate and punish the perpetrator of an assault against the petitioner taking into account its racially discriminatory nature, despite the petitioner's numerous requests to various government agencies, including courts. The Committee found a violation of article 6 of the Convention, as it considered that the investigation into the crime was incomplete, without consideration of the discriminatory motive of the defendant. Furthermore, it considered that the refusal to investigate the racial motive had also deprived the petitioner of his right to effective protection from and remedies for the reported act of racial discrimination".

Remedy recommended

18. The Committee recommended that the State party grant the petitioner adequate compensation for the material and moral damage caused by the violation of article 6 of the Convention. It also recommended that the State party review its policy and procedures concerning prosecution in cases of alleged racially motivated violence, in the light of its obligations under article 4 of the Convention, and that the State party give wide publicity to the Committee's opinion, including among prosecutors and judicial bodies.

Initial or periodic reports examined since the adoption of the opinion

19. No periodic reports of the State party have been examined by the Committee since the adoption of the opinion.

Previous follow-up information

20. There was no previous follow-up information.

State party's observations

21. On 16 March 2018, the State party submitted follow-up information to the Committee. While noting the Committee's decision to award compensation, it informed the Committee that there was no national mechanism in place to implement that part of the

[5] See www.koreaherald.com/view.php?ud=20161006000954.

decision. Therefore, the petitioner could not be compensated. The State party also informed the Committee that it had published the English version of the Committee's opinion.

22. The Ministry of Internal Affairs had forwarded the Committee's opinion to all its regional and specialized structures, requesting them to study it. The State party also indicated that on 8 December 2016, the Parliament had adopted a draft law introducing changes to the Criminal Code intended to bring it into compliance with the country's international obligations, including with regard to anti-discrimination standards. The draft law had added a definition of crimes committed on the basis of prejudice, contempt or hatred, and such behaviour would be introduced as an aggravating element. The Criminal Code would further include the potential reasons for such prejudice, contempt or hatred, including race, colour of skin, ethnic, national or social origin, citizenship, gender, language and religion.

23. In addition, the national plan of action for human rights for 2018–2022 had been drafted and sent to the Parliament for adoption. It contained a section entitled "Non-discrimination and equality", which would be implemented through actions such as increasing awareness and fighting prejudice, contempt or hatred. The plan also called for the monitoring and collection of information regarding vulnerable and marginalized groups.

24. The State party was also working on the police development strategy for 2016–2020. It was envisioned that, as a result of the strategy, the police forces would become more responsible, efficient, transparent, just and effective, and in compliance with requirements of European Union and international law. In addition, the national anti-discrimination body had conducted an informational awareness campaign against discrimination, which included online campaigns.

25. The authorities paid special attention to the professional training of law enforcement officers who were responsible for combating discrimination. Several training activities had been conducted to train justice operators, lawyers, human rights defenders, criminal investigators and prosecutors.

26. The State party confirmed that, in the future, it would consider the recommendations of the Committee. The measures as described above demonstrated the efforts undertaken to eliminate all forms of racial discrimination. The relevant authorities would make further efforts to enhance the capacity of law enforcement officers, especially prosecutors, to recognize the seriousness of discrimination, racism and intolerance.

Petitioner's comments

27. The petitioner's comments are pending.

Proposed further action or Committee's decision

28. The dialogue is ongoing.